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Attorney for plaintiff
WADE DERBY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WADE DERBY, an individual,

No.

Plaintiff,

**NOTICE OF RELATED CASE
PURSUANT TO CIVIL L.R. 3-12
TO BE FILED IN CASE NO.**

v.

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES
SHOULD BE RELATED
PURSUANT TO CIVIL L.R. 7-11**

[Related Case: MICHAEL SIBBITT,
JR. v. CITY OF PITTSBURG; BRIAN
ADDINGTON; MICHAEL PERRY
and DOES 1-25, Case No. 3:16-cv-
04377.]

CITY OF PITTSBURG;
PITTSBURG POLICE
DEPARTMENT; BRIAN
ADDINGTON and DOES 1-10,
inclusive,

Defendants.

Plaintiff, WADE DERBY, on behalf of himself and other similarly situated
plaintiffs hereby respectfully submits this Notice of Related Case pursuant to Civil

1 L.R. 3012 and the required Administrative Motion to Consider Whether Cases
2 Should Be Related pursuant to Civil L.R. 7-11.

3 **1. APPLICABLE STANDARD UNDER CIVIL L.R. 3-12**

4 Related cases are defined in Local Rule 3-12 as follows:

5 **3-12. Related Cases**

6 (a) Definition of Related Cases. An action is related to another when:

7 (1) The actions concern substantially the same parties, property, transaction
8 or event;

9 and

10 (2) It appears likely that there will be an unduly burdensome duplication of
11 labor and expense or conflicting results if the cases are conducted before
12 different Judges.

13 Whenever a party knows or learns that an action, filed in or removed to this
14 district is (or the party believes that the action may be) related to an action which
15 is or was pending in this District as defined in Civil L.R. 3-12(a), the party must
16 promptly file in the lowest numbered case an Administrative Motion to Consider
17 Whether Cases Should be USDC Local Civil Rules – Effective September 15,
18 2015 CIV-10 Related, pursuant to Civil L.R. 7-11. In addition to complying with
19 Civil L.R. 7-11, a copy of the motion, together with proof of service pursuant to
20 Civil L.R. 5-5, must be served on all known parties to each apparently related
21 action.

22 **II. THE SIBBITT v. CITY OF PITTSBURG et al. IS A RELATED CASE**

23 Plaintiff is informed and believes that the following case, the title and case
24 number of which is:

25 MICHAEL SIBBITT, JR. v. CITY OF PITTSBURG; BRIAN
26 ADDINGTON; MICHAEL PERRY and DOES 1-25, Case No. 3:16-cv-
27 04377

28 is a related case.

1 Both cases involve substantially the same parties, and arise out of many of
2 the same set of operative facts. Plaintiff's complaint involves allegations of
3 retaliation for whistleblower activities related to his speaking out about
4 defendant's misleading the Contra Costa County Superior Courts during *Pitchess*
5 hearings involving plaintiff Sibbitt and defendants CITY OF PITTSBURG and
6 BRIAN ADDINGTON. There is a substantial likelihood of duplication of
7 depositions, discovery, and other labor and expense, as well as the likelihood of
8 conflicting results if these matters are heard by different judges.

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10 Dated: September 26, 2016



11 DANIEL A. HOROWITZ, attorney for
12 Plaintiff WADE DERBY
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